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9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JACQUELINE KIM SELBY, an  
12 individual,  
13 Plaintiff,  
14 v.  
15 BAC HOME LOANS SERVICING,  
16 L.P.; GMAC MORTGAGE LLC,  
17 Defendants.  
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Case No.: 09cv2079 AJB (JMA)

ORDER:

(1) GRANTING JOINT MOTION  
FOR DISBURSEMENT OF FUNDS  
AND TO CLOSE INTEREST  
BEARING ACCOUNT, (Doc. No.  
158); AND

(2) GRANTING JOINT MOTION  
TO DISMISS ENTIRE ACTION  
WITH PREJUDICE, (Doc. No. 159).


19 Presently before the Court is the parties' joint motion to close the interest bearing  
20 account and disburse the funds contained therein, (Doc. No. 158), and the parties' joint  
21 motion to dismiss the entire action with prejudice, (Doc. No. 159). Plaintiff Jacqueline  
22 Kim Selby ("Plaintiff") made certain deposits in the interest bearing account following  
23 the Court's February 10, 2010 order imposing a preliminary injunction on foreclosure of  
24 the subject property by Defendant Bank of America, N.A. ("Bank of America"). (Doc.  
25 No. 43.) These deposits were to serve as a bond for issuance of the preliminary injunc-  
26 tion. (Doc. No. 43 at 16:10-19.) The total now on deposit in the interest bearing account  
27 with the Clerk of Court is approximately \$136,724.17. (Doc. No. 158).  
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1 On March 7, 2013, the parties filed a notice of settlement, thereby informing the  
2 Court that all outstanding issues and claims between the parties had been resolved. (Doc.  
3 No. 154.) Accordingly, the Court HEREBY ORDERS AS FOLLOWS:

- 4 1. The entire action is dismissed with prejudice;
- 5 2. The Clerk of Court is instructed to release the funds in the interest bearing  
6 account, in the amount of \$136,724.17, plus interest, to the Ankcorn Law  
7 Firm, PC, 110 Laurel Street, San Diego, California 92101; and
- 8 3. Upon the release of the funds in the interest bearing account, the Clerk of  
9 Court is authorized to deduct a fee for the handling of the funds deposited in  
10 the interest bearing account, in an amount equal to or less than that autho-  
11 rized by the Judicial Conference of the United States and set by the Director  
12 of the Administrative Office of the United States Courts.

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14 IT IS SO ORDERED.

15 DATED: May 2, 2013

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18 Hon. Anthony J. Battaglia  
19 U.S. District Judge  
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